

Remarks

Reconsideration and reexamination of this application, as amended, are respectfully requested. Prior to the entry of this Amendment, claims 1-20 were pending in this application. Upon entry of this Amendment, claims 1-20 will be pending.

The Examiner rejected claims 1-6, 11-14, and 16-20 under 35 U.S.C. § 103(a) as being unpatentable over Cox in view of Konietzki. The Examiner also rejected claims 7-10 under 35 U.S.C. § 103(a) as being unpatentable over Cox, in view of Konietzki, and further in view of Easley. Claim 15 has been merely objected to. Accordingly, claim 15 has been rewritten in independent form to include the limitations of independent claim 1 from which it depends.

In response, Applicants have amended claims 1-6, 9, and 11-20. For the reasons set forth in greater detail below, the Applicants believe that claims 1-20, as amended, are neither anticipated nor rendered obvious by the cited references.

Claims 1-6, 11-14, and 16-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cox in view of Konietzki. Independent claims 1, 2, and 3 are the only rejected independent claims. Each independent claim is addressed below and distinguished over the combination of Cox and Konietzki.

With respect to independent claim 1, Applicants claim a method for distributing a scented chemical composition for hunting animals that includes “providing a pressurized dispenser for pressure based dispensing of a foam string from a distance away from a target, the distance being sufficient to avoid an ambient environment being contaminated by human scent, the foam string including the scented chemical composition to attract animals or mask human scent or both.” The combination of Cox and Konietzki fails to teach these limitations.

The Examiner admits that Cox fails to disclose "a scent for a hunter to hunt animals." The Examiner relies on the teachings of Konietzki to make up for this deficiency. Applicants submit that it is improper to combine Cox and Konietzki, and that even such an improper combination still fails to teach the claimed invention.

Cox merely relates to a pressurized can for dispensing a string of plastic foam which is sufficiently tacky to adhere to inert surfaces. A relevant portion of Cox is reproduced below.

A pressurized or "aerosol" can containing a composition of matter for producing a string of plastic foam is described. The plastic foam produced from the aerosol can is in the form of a cohesive plastic body sufficiently tacky to adhere to inert surfaces such as walls, windows or the like to support the weight of the foam, however, of insufficient tackiness to adhere with a force greater than the cohesive strength of the foam so that the foamed body can be readily removed from surfaces to which it lightly adheres. Such a combination has substantial play and decorative utility.

(Abstract, emphasis added)

In contrast, Konietzki relates to a device for dispersing a scented string. The act of dispersing requires a user to withdraw the string by pulling it from the device and to tie it to a fixed object. The relevant portion of Konietzki is reproduced below.

The user may attach the end of the line 21 to a fixed object, such as a tree branch, and may even then unwind the spool 20 by walking away from the fixed object. The scent propagation device features a belt clip 15 so that the device may be clipped to a belt or other article of clothing, freeing the user's hands to carry other hunting equipment or to perform other tasks. By not having to handle the device, the user avoids the possibility of accidentally introducing human scent to the line. (Column 3, line 32, emphasis added)

The operation of Cox is inconsistent with the operation of Konietzki. Cox requires a pressurized can to expel a plastic foam and Konietzki requires a user to unwind a line by pulling it from a spool. Thus, it is improper to combine Cox and Konietzki to reject the claimed invention because there is no suggestion of or need for the proposed combination.

Even the improper combination of Cox and Konietzki fails to teach the claimed invention. In particular, the combination fails to disclose “pressure based dispensing of a foam string from a distance away from a target, the distance being sufficient to avoid an ambient environment being contaminated by human scent” where the foam string includes the “scented chemical composition to attract animals or mask human scent.” Konietzki only teaches that the scent string can be dispensed by a user tying the string to a target and then walking away from the target. The tying of the string to the target and then subsequently walking away causes the user to traverse a ground around a target and contaminate it with human scent. Thus, Konietzki fails to disclose dispensing the scented string from “a distance away from a target, the distance being sufficient to avoid an ambient environment being contaminated by human scent”.

With respect to independent claim 2, the improper combination of Cox and Konietzki fail to teach “dispensing the string from the can toward the target, the string being dispensed far enough away from the can that the hunter does not substantially contaminate an area around the target.” As described above, Cox and Konietzki fail to teach this limitation.

With respect to independent claim 3, the improper combination of Cox and Konietzki fail to teach a “a pressurized dispenser for pressure based dispensing” and “a foam string dispensed by the dispenser, the foam string including the scented chemical composition for hunting.” As described above, Cox and Konietzki fail to teach this limitation.

As a result, Applicants believe that independent claims 1, 2, and 3, as amended, are not obvious over Cox in view of Konietzki. Reconsideration of the Examiner’s rejection of those claims under 35 U.S.C. § 103(a) is therefore respectfully requested.

Claims 4-6, 11-14 and 16-20 depend directly from patentable independent claim 3, and include all the limitations thereof. Accordingly, and for the reasons set forth above concerning claim 3, Applicants submit that claims 4-6, 11-14 and 16-20, as amended, likewise overcome the Examiner's rejection thereof under § 103(a).

Claim 7-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cox, in view of Konietzki, and further in view of Easley. Easley fails to make up for the above-identified deficiencies of Cox and Konietzki. Claims 7-10 depend either directly or indirectly from patentable independent claims 3, and include all the limitations thereof. Accordingly, and for the reasons set forth above concerning claim 3, Applicants believe that claims 7-10, as amended, likewise overcome the Examiner's rejection thereof under § 103(a).

Applicants submit that each rejection has been traversed by the foregoing remarks and amendments. The Examiner is invited to call the undersigned attorney if it would expedite further prosecution of this case. The Examiner is respectfully requested to pass this case to issue.

S/N: 09/941,377
Reply to Office Action of October 8, 2003

Atty Dkt No. ABF 0104 PUS

A check in the amount of \$43.00 is enclosed to cover the fees associated with including additional independent claim 15. Please charge any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978 -- a duplicate of this paper is enclosed for that purpose.

Respectfully submitted,

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